

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

**C.M. BUSTO,**

**Plaintiff,**

**v.**

**FAIRFAX COUNTY, ET AL.,**

**Defendants.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 1:22-cv-771 (RDA/IDD)**

**DEFENDANT’S RULE 12(b)(5) MOTION TO DISMISS  
PLAINTIFF’S COMPLAINT**

Defendant Fairfax County, by special appearance of counsel, requests that this case be dismissed pursuant Fed. R. Civ. P. 12(b)(5) for insufficient service of process.<sup>1</sup>

Respectfully submitted,

FAIRFAX COUNTY

By Counsel, by special appearance

---

<sup>1</sup> Pursuant to Local Rule 7(K), the following notice is provided to the *pro se* plaintiff: The *pro se* party is entitled to file a response opposing the motion and any such response must be filed within twenty-one (21) days of the date on which the dispositive or partially dispositive motion is filed. The Court could dismiss this action on the basis of the moving party’s papers if the *pro se* party does not file a response. The *pro se* party must identify all facts stated by the moving party with which the *pro se* party disagrees and must set forth the *pro se* party’s version of the facts by offering affidavits (written statements signed before a notary public and under oath) or by filing sworn statements (bearing a certificate that is signed under penalty of perjury). The *pro se* party is also entitled to file a legal brief in opposition to the one filed by the moving party.

